

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SEP 21 2012

By: *AMC*
James N. Halten, Clerk
Deputy Clerk

MARTEZ HOWARD, :
Movant :
v. : CRIMINAL ACTION FILE
: NO. 1:10-CR-121-ODE-GGB
UNITED STATES OF AMERICA, :
Respondent :
:

ORDER

This criminal case is before the Court on the Final Report and Recommendation of United States Magistrate Judge Gerrilyn G. Brill filed August 6, 2012 [Doc. 83]. No objections have been filed.

In the Report and Recommendation, the Magistrate Judge recommends that Movant's motion to withdraw or dismiss his § 2255 motion be granted and that Movant's § 2255 motion be denied without prejudice.

The Court having read and considered the Report and Recommendation and noting the absence of any objections, it is hereby ADOPTED as the opinion and order of the Court. For the reasons set forth in the Report and Recommendation, Movant's motion to withdraw or dismiss his § 2255 motion [Doc. 81] is GRANTED and his § 2255 motion is DISMISSED WITHOUT PREJUDICE.

SO ORDERED, this 21 day of September, 2012.

O.D. Evans
ORINDA D. EVANS
UNITED STATES DISTRICT JUDGE